

Assembly Bill No. 2960

CHAPTER 54

An act to amend Section 3064 of the Family Code, relating to child custody.

[Approved by Governor July 1, 2008. Filed with Secretary
of State July 1, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2960, La Malfa. Custody orders: evidence of sexual abuse.

Existing law provides that a court shall refrain from making an order granting or modifying a custody order on an ex parte basis, unless there has been a showing of immediate risk that the child will be removed from the State of California, or a showing of immediate harm to the child. "Immediate harm to the child" is defined to include having a parent who has committed acts of domestic violence, as specified.

This bill would include sexual abuse of the child, where the court determines that the acts of sexual abuse are of recent origin or are a part of a demonstrated and continuing pattern of acts of sexual abuse, within the definition of "immediate harm to the child," a showing of which authorizes a court to make an order granting or modifying a custody order on an ex parte basis.

The people of the State of California do enact as follows:

SECTION 1. Section 3064 of the Family Code is amended to read:

3064. (a) The court shall refrain from making an order granting or modifying a custody order on an ex parte basis unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the State of California.

(b) "Immediate harm to the child" includes, but is not limited to, the following:

(1) Having a parent who has committed acts of domestic violence, where the court determines that the acts of domestic violence are of recent origin or are a part of a demonstrated and continuing pattern of acts of domestic violence.

(2) Sexual abuse of the child, where the court determines that the acts of sexual abuse are of recent origin or are a part of a demonstrated and continuing pattern of acts of sexual abuse.

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